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August 8, 2024

BY ECF

The Honorable Rachel P. Kovner
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, NY 11201

**Re: *United States v. Gentile, et al.*,
21 Cr. 054 (RPK)(PK)**

Dear Judge Kovner:

We write respectfully on behalf of Defendant David Gentile to submit a proposed briefing schedule for Defendants' forthcoming motions under Federal Rules of Criminal Procedure 29 and 33. As previously disclosed to the Court, counsel for Mr. Gentile has a trial in the Southern District of New York scheduled to begin in late-October and which we currently anticipate will last approximately four to six weeks. Accordingly, Mr. Gentile proposes the following briefing schedule:

Defendants' Opening Brief Due:	October 4, 2024
Government Response Brief Due:	December 3, 2024
Defendants' Reply Brief Due:	January 17, 2025

We have conferred with the Government and are unable to agree upon a proposed briefing schedule and understand that the Government will be submitting separately a proposed briefing schedule.

We note that this proposed schedule relates solely to briefing on post-trial issues pursuant to Rule 29 and Rule 33 of the Federal Rules of Criminal Procedure and does not contemplate briefing on substantive issues that will arise at sentencing, which is currently set for October 24, 2024. Given that Mr. Gentile expects that there will be substantial disagreement regarding loss amount, the propriety of certain Guidelines enhancements, and 3553(a) factors, which likely will require additional expert testimony in the form of declarations or live testimony at a *Fatico* hearing,

The Honorable Rachel P. Kovner

August 8, 2024

Page 2

we respectfully submit that a new sentencing schedule will need to be established to permit sufficient time to prepare and consider these submissions. The undersigned will confer with counsel for Mr. Schneider and the Government before making such an application for the Court's consideration.¹

We appreciate the Court's consideration of this request and, as always, are available to answer any questions the Court may have.

Respectfully Submitted,

/s/ Sean S. Buckley

Sean S. Buckley

Matthew Menchel

Adriana Riviere-Badell

Jonathan D. Cogan

Benjamin F. Cooper

Counsel for Defendant David Gentile

cc: All counsel of record (by ECF)

¹ Mr. Schneider's counsel informs us that he joins in the request to establish a new sentencing schedule for the reasons listed in this letter. Mr. Schneider's counsel further informs us that Mr. Schneider and counsel are sympathetic to the concerns Mr. Gentile and counsel raise regarding *inter alia*, the scheduling issues, and therefore have no objection to the schedule for briefing the Rule 29 and 33 motions requested herein.